

FILED

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UNITED STATES DISTRICT COURT
FOR THE

AUG 11 2008

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AUG 11 2008

MICHAEL W. DOBBINS

CLERK, U.S. DISTRICT COURT

NORTHERN DISTRICT OF ILLINOIS - EASTERN DIVISION

AFFIDAVIT OF PETITION FOR VIOLATION OF SUPERVISED
RELEASE IN REMOVAL PROCEEDINGS

UNITED STATES OF AMERICA)

v.)

RYAN DURGAN)

MAGISTRATE JUDGE MASON

CASE NUMBER:

08 CR

636

The undersigned Affiant personally appeared before MICHAEL T. MASON, a United States Magistrate Judge, and being duly sworn on oath, states: That at the SOUTHERN DISTRICT OF WEST VIRGINIA, one RYAN DURGAN was charged with violation of the condition(s) of his supervised release in UNITED STATES v. RYAN DURGAN, 5:07-00015-02, and that on the basis of Affiant's investigation and information received concerning the case through official channels, does hereby certify that a Warrant for Arrest is outstanding for the arrest of said defendant (see Exhibit A - Warrant for Arrest of Supervised Release).

18usc 3147

Wherefore, Affiant prays that the defendant be dealt with according to law.


ANGELO SCHRAGEL,
Deputy United States Marshal
United States Marshal's Service

Subscribed and Sworn to before me this
11th day of August, 2008.


MICHAEL T. MASON
United States Magistrate Judge

AUSA ANDREW S. BOUTROS

EXHIBIT A

AD 442 (Rev. 08/07) Warrant for Arrest

UNITED STATES DISTRICT COURT

SOUTHERN

District of

WEST VIRGINIA

UNITED STATES OF AMERICA

V.

RYAN DURGAN

WARRANT FOR ARREST

SEALED

Case Number: 5:07-00015-02

To: The United States Marshal
and any Authorized United States Officer

YOU ARE HEREBY COMMANDED to arrest

RYAN DURGAN

Name

and bring him or her forthwith to the nearest magistrate judge to answer a(n)

- ☐ Indictment ☐ Information ☐ Complaint ☐ Order of court
☐ Pretrial Release Violation Petition ☐ Probation Violation Petition ☒ Supervised Release Violation ☐ Violation Notice

U.S. MARSHAL
CHARLESTON, WV

2008 AUG -11 A 10:26

RECEIVED

charging him or her with (brief description of offense)
violation of the following conditions of supervision: (1) Stan. Unnumbered Cond., prohibiting deft. from committing another federal, state, or local crime; (2) Stan. Cond. No. 7, prohibiting deft. from purchasing, possessing, using, distributing, or administering any narcotic or other controlled substance or any paraphernalia related to such substances except as prescribed by a physician; (3) Spec. Cond. directing deft. to enroll in an inpatient drug treatment program immediately upon his release from custody and directing deft. to satisfactorily complete an inpatient drug treatment program lasting at least 90 days; (4) Stan. Cond. No. 3, directing deft. to truthfully answer inquiries by Probation Officer and to follow instructions of USPO

- ☐ in violation of Title _____ United States Code, Section(s) _____
☐ in violation of the conditions of his or her pretrial release imposed by the court.
☒ in violation of the conditions of his or her supervision imposed by the court.

TERESA L. DEPPNER

Name of Issuing Officer

Teresa L. Deppner by LR

Signature of Issuing Officer

CLERK OF COURT

Title of Issuing Officer

August 1, 2008 at Beckley, West Virginia

Date and Location

RETURN

This warrant was received and executed with the arrest of the above-named individual at

DATE RECEIVED	NAME AND TITLE OF ARRESTING OFFICER	SIGNATURE OF ARRESTING OFFICER
DATE OF ARREST		

FACB 120
(12/04)

United States District Court
for the
Southern District of West Virginia
Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: Ryan Durgan

Case Number: 5:07CR00015-02

Name of Sentencing Judicial Officer: Thomas E. Johnston, United States District Judge

Date of Original Sentence: July 31, 2007

Original Offense: Aiding and Abetting the Distribution of a Controlled Substance (Cocaine Base), 21 U.S.C. § 841(a)(1) and 18 U.S.C. § 2

Original Sentence: Ten months' imprisonment, followed by thirty-six months' supervised release,

TSR Revoked: March 17, 2008

Sentenced To: Four months' imprisonment, followed by thirty-two months' supervised release

Type of Supervision: Supervised Release Date Supervision Commenced: June 21, 2008

Asst. U.S. Attorney: Miller Bushong III Defense Attorney: David R. Bungard, AFPD

PETITIONING THE COURT

- ☒ To issue a warrant
☐ To issue a summons

The probation officer believes the offender has violated the following condition(s) of supervision:

Violation NumberNature of Noncompliance

1.

Violation of Standard Unnumbered Condition: You shall not commit another federal, state or local crime;

Violation of Standard Condition Number 7: The defendant shall not purchase, possess, use, distribute, or administer any narcotic or other controlled substance or any paraphernalia related to such substances, except as prescribed by a physician;

Urine specimen submitted by the defendant on July 22, 2008, was returned positive for Cocaine and Marijuana. The defendant signed a written admission to the use of both substances.

2.

Violation of Special Condition: Immediately upon his release from custody, the Defendant shall enroll in and satisfactorily complete an inpatient drug treatment program lasting at least ninety (90) days. Failure to abide by the rules of this inpatient drug treatment or failure to complete the program may be grounds for further revocation proceedings;

On June 23, 2008, the defendant was instructed to begin calling Legends, the inpatient treatment program, each Monday following his release from imprisonment. Legends still had an approximate 45-day waiting period for admission. On July 17, 2008, I contacted Legends and was advised the defendant had not contacted them during this period.

Prob 12C

RE: RYAN DURGAN

DOCKET NO. 5:07CR00015-02

-2-

Petition for Warrant or Summons
For Offender Under Supervision

However, they were still holding a bed. On July 22, 2008, the defendant was again instructed to call Legends each Monday. Thus far, Mr. Durgan has failed to follow this instruction. Legends advised they will not accept the defendant if he does not show at least some interest in their program.

3.

Violation of Standard Condition Number 3: The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer:

On July 31, 2008, Mr. Durgan was telephonically instructed to report to the probation office by 3:00 p.m.. The defendant failed to appear.

U.S. Probation Officer Recommendation:

☒ The term of supervision should be:

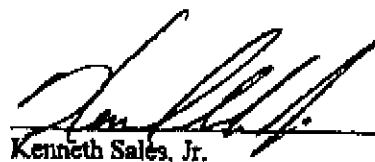
☒ Revoked

☐ Extended for _____ year(s), for a total term of _____ years.

☒ The Petition and Warrant be SEALED until the defendant is arrested.
No further Order shall be needed to unseal same once the offender has been arrested.

I declare under the penalty of perjury that the foregoing is true and correct.

by

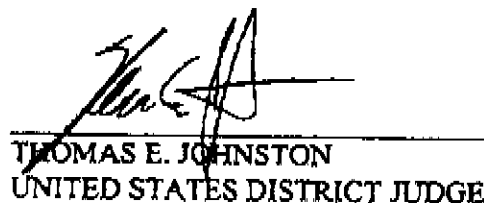


Kenneth Sales, Jr.
U. S. Probation Officer

Date: July 31, 2008

THE COURT ORDERS

- ☐ No Action
☒ The Issuance of a Warrant
☒ The Petition and Warrant be SEALED until the defendant is arrested.
No further Order shall be needed to unseal same once the offender has been arrested.
☐ The Issuance of a Summons
☐ Other



THOMAS E. JOHNSTON
UNITED STATES DISTRICT JUDGE

August 1, 2008

Date